

**ZB# 01-46**

**Kevin Corbett**

**39-1-4**

#01-46.-Corbett, Kevin

Area

39-1-4.

Prelim.

Sept. 10, 2001.

Public Hearing:

Sept. 24, 2001

Variance

Granted

Refund \$20300



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Corbett, Kevin  
\_\_\_\_\_  
\_\_\_\_\_

FILE# 01-46

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE     

APPLICATION FOR VARIANCE FEE ..... \$ 50.00

*Paid 8/21/01  
ck # 757*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00

*Paid 8/21/01  
ck. 758*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 9/10/01 3 ..... \$ 13.50  
2ND PRELIMINARY- PER PAGE 9/24/01 3 ..... \$ 13.50  
3RD PRELIMINARY- PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING - PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) PER PAGE ..... \$ \_\_\_\_\_  
TOTAL ..... \$ 27.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 9/10/01 ..... \$ 35.00  
2ND PRELIM. .... \$ \_\_\_\_\_  
3RD PRELIM. .... \$ \_\_\_\_\_  
PUBLIC HEARING. 9/24/01 ..... \$ 35.00  
PUBLIC HEARING (CONT'D) ..... \$ \_\_\_\_\_  
TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$ \_\_\_\_\_  
TOTAL ..... \$ 97.00

LESS ESCROW DEPOSIT ..... \$ 300.00  
(ADDL. CHARGES DUE) ..... \$ \_\_\_\_\_  
REFUND DUE TO APPLICANT .. \$ 203.00

KEVIN CORBETT  
DL# 097 507 326  
845-582-8004  
61 HARTH DRIVE  
NEW WINDSOR NY 12550

Date

Aug 21, 01

758

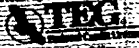
90-7899/2318  
BRCH01

Pay to the  
Order of

Town of New Windsor  
three hundred and 00/100

\$ 300<sup>00</sup>/<sub>100</sub>

Dollars



QTEC  
30 Tuxedo City, NY 10980  
(800) 833-7323

Memo

261 # 01-46

Kevin Corbett

1:221975956:1048000188944110758

© LIBERTY

KEVIN CORBETT  
DL# 697 587 326  
846-562-9004  
51 HARTH DRIVE  
NEW WINDSOR NY 12550

Date Aug. 21, 01

757

Pay to the  
Order of

Town of New Windsor  
fifty and 00/100

\$ 50

Dollars



Make Checks  
Payable Here  
New Windsor, NY 12550  
(800) 622-7123

"Proud To Serve"

Memo

ZBA #A-46.

Kevin Corbett

⑆221975956⑆10480001889441⑆0757

© LIBERTY

-----X  
In the Matter of the Application of

**KEVIN CORBETT**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCES**

#01-46.  
-----X

**WHEREAS, KEVIN CORBETT**, residing at 51 Harth Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 9 ft. side yard and 9 ft. rear yard variance for an existing shed at the above location in an R-4 zone; and

**WHEREAS**, a public hearing was held on the 24th day of September, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.
2. The evidence presented by the Applicant showed that:
  - (a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.
  - (b) The property is located directly adjacent to a railroad right-of-way.
  - (c) The shed has been in existence for approximately 15 years during which time there have been no complaints either formal or informal about the shed.

- (d) The shed does not create any water hazards creating ponding or collection of water.
- (e) The shed is not constructed on the top of any water or sewer easements.
- (f) The shed is not constructed on the top of any well or septic systems.
- (g) The shed is similar to other sheds in the neighborhood.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variances.

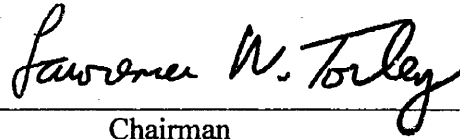
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 9 ft. side yard and 9 ft. rear yard variance to allow an existing shed at the above location, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

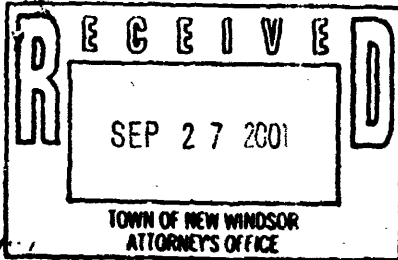
Dated: December 17, 2001.



---

Chairman

Date ..... 1/23/01 .....



# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
1/24/01	Zoning Board Mtg		75 00	
	Misc - 6			
	Batsakis - 3			
	Langer - 2			
	Baker - 3			
	Dimiceli - 2			
	Bela/Orange Cty Trust - 5			
	Carbutt - 3			
	Mans - 9		148 50	
	33			
			223 50	

PUBLIC HEARINGS:

CORBETT, KEVIN

Mr. Kevin Corbett appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience wishing to speak on this matter? I'll so note there's no one wishing to speak on this. request for 9 ft. side yard and 9 ft. rear yard variances for existing shed at 51 Harth Drive in an R-4 zone.

MR. CORBETT: Okay, I have an existing shed that's too close to my neighbor's property line. I also have the railroad which is behind me.

MR. KANE: Kevin, for the record, how long has the shed been up?

MR. CORBETT: I'm going to guess 15 years.

MR. KANE: Any complaints formally or informally about the shed?

MR. FAYO: No.

MR. KAEN: Create any water hazards or runoffs?

MR. CORBETT: No.

MR. KANE: Moving the shed at this point?

MR. CORBETT: It's on a cement slab.

MR. KANE: Size of the shed similar to other sheds in the neighborhood?

MR. CORBETT: Yes.

MR. KRIEGER: Who's behind you?

MR. CORBETT: Behind is the railroad, next door is a residential.

MR. KRIEGER: That's on the other side of the hedge?

MR. CORBETT: No.

MR. KRIEGER: Looks like there's a hedge behind the shed.

MR. CORBETT: Behind the hedge is railroad, next door this way is the residence.

MR. TORLEY: Again, no complaints?

MR. CORBETT: No because they came a couple years ago with their shed which was too close to the property lines, too, in the opposite corner.

MR. TORLEY: Same situation in the neighborhood?

MR. CORBETT: Right.

MR. KRIEGER: It's not built on top of any well or septic system or any water or sewer easement?

MR. CORBETT: No.

MR. KRIEGER: Doesn't cause, divert the flow of water, cause the ponding or collection of water?

MR. CORBETT: No.

MR. TORLEY: As I said, there's no one in the audience so I'll move it back to the board. Gentlemen, any other questions on this?

MR. KANE: Accept a motion?

MR. TORLEY: Yes, yes.

MR. KANE: I move we approve the requested variances by Kevin Corbett for 51 Harth Drive.

MR. REIS: Second it.

ROLL CALL

September 24, 2001

20

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

*Prelim.*  
*Sept. 11, 2001*  
*#01-46*

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 8/15/01

APPLICANT: Kevin Corbett  
51 Harth Drive  
New Windsor, NY 12553

**COPY**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing 16x18 Rear Shed

LOCATED AT: 51 Harth Drive

ZONE: R-4      Sec/Blk/ Lot: 39-1-4

DESCRIPTION OF EXISTING SITE: Existing one family house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing 16x18 rear shed, does not meet minimum rear yard set-back and side yard set-back.

  
BUILDING INSPECTOR

PERMITTED 10ft

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4      USE: 48-14-A-1-B

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

1ft

9ft

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

1ft

9ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A.. APPLICANT. FILE, W/ ATTACHED MAP

**PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION**

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underlab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

**FOR OFFICE USE ONLY:**

Building Permit #: 2001-836

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE PERMIT WILL BE ISSUED**

**PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU**

Owner of Premises

Kevin + Dale Corbett

Address

51 HARTH A. New Windsor, NY.

Phone #

(845) 562-9004

Mailing Address

SAME

Fax #

Name of Architect

N/A

Address

Phone

Name of Contractor

N/A

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the west side of Harth Dr.  
(N,S,E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated residential Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? no existing shed 16x8

7. Dimensions of entire new construction. Front 16' Rear 16' Depth 8' Height 10' No. of stories 1

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_ Fee OK # 720

2/8/21

**PAID**

\_\_\_\_/\_\_\_\_/\_\_\_\_  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4695 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

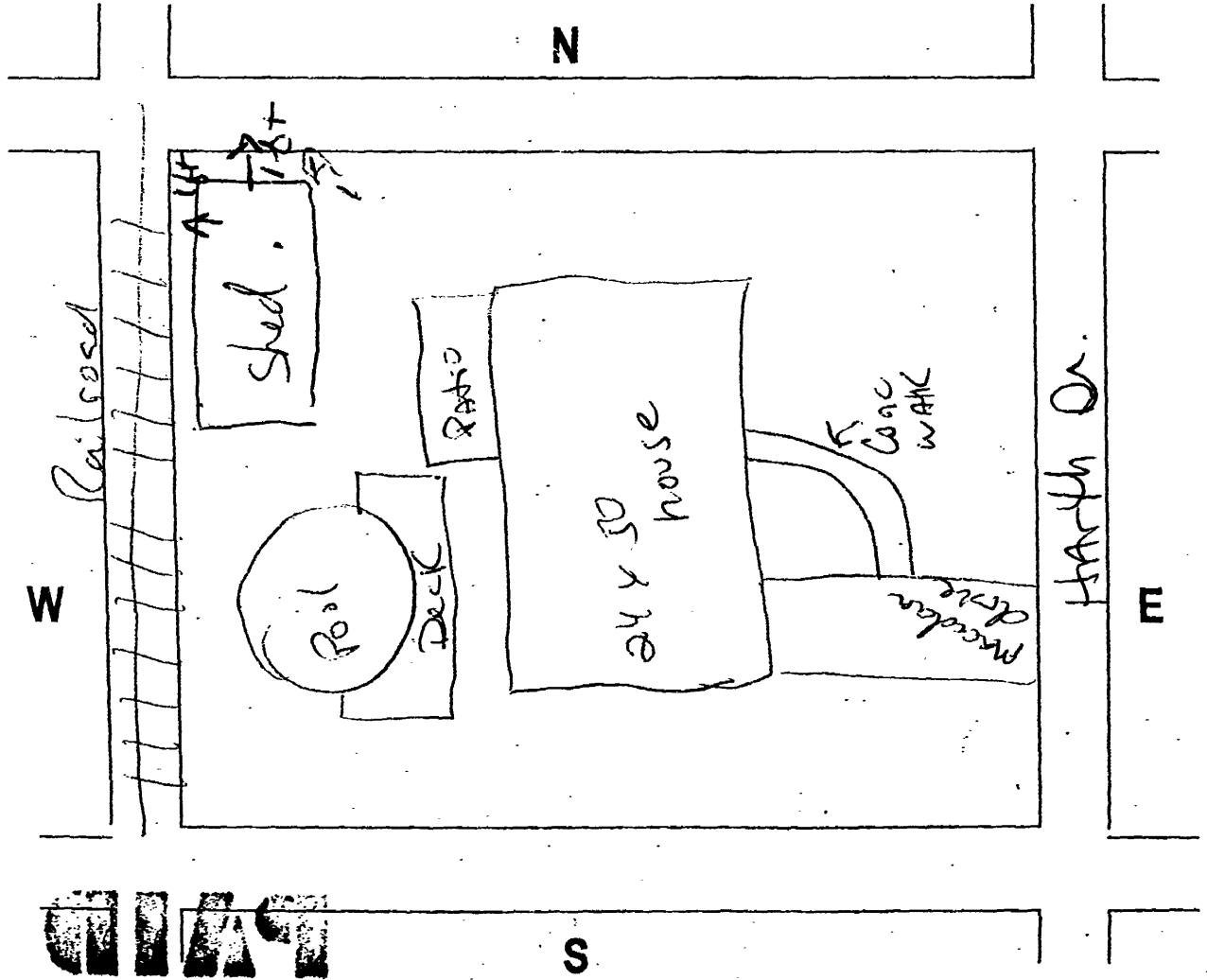
Kevin Corbett  
(Signature of Applicant)

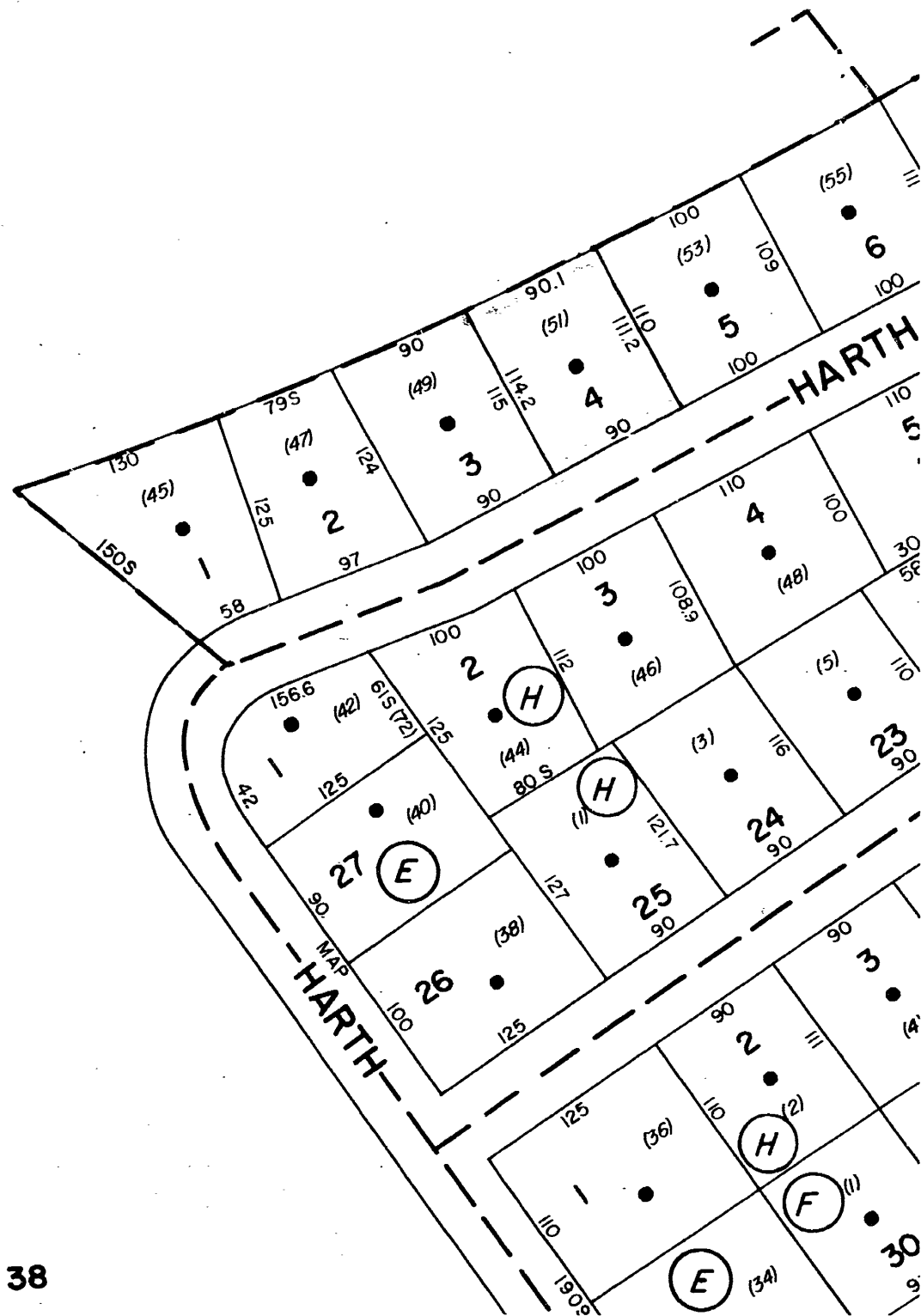
51 Harth Dr. New Windsor, N.Y.  
(Address of Applicant)  
12553

(Owner's Signature)

# PLOT PLAN

**NOTE:** Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





**SECTION 38**

Date 9/12/01

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth  
168 N. Drury Lane DR.  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
9/10/01		Zoning Board Mtg	75.00	
		Misc -		
		contin - 2		
		Sisters of the Presentation - 4		
		Harris - 4		
		Corbett - 3		
		Hughes - 3		
		Mans - 19		
		Kalpan - 3		
		Singh - 6		
		45	207.50	
			277.50	

CORBETT, KEVIN

Mr. Kevin Corbett appeared before the board for this proposal.

MR. TORLEY: Request for 9 ft. side yard and 9 ft. rear yard variances for existing shed at 51 Harth Drive in an R-4 zone.

MR. CORBETT: First of all, I noticed just today I noticed this that the measurements they sent me are incorrect, it's 8 x 16, not 16 x 18.

MS. CORSETTI: Go see the man over there, give this to him, maybe he can change it for you.

MR. CORBETT: It's 8 x 16, not 18 x 16.

MR. BABCOCK: Okay.

MR. KANE: How long has the deck been existing?

MR. CORBETT: It's a shed about eight years and I brought a couple pictures. Given the setup in my back yard, it was kind of tough to put it anywhere else, the border is the railroad in the back so the building inspector did come and--

MR. TORLEY: It borders the actual railroad?

MR. CORBETT: Yes, but that's only the back.

MR. TORLEY: Is that an active railroad train?

MR. CORBETT: Yes.

MR. TORLEY: Mike, doesn't that relieve him of the rear yard variance if it's an active train line? There's something in the code and an active train line there's no rear yard setback.

MR. BABCOCK: I don't know that that's for a shed, I'd have to check the code.

MS. CORSETTI: It's only for commercial.

MR. BABCOCK: If you'd like, I'll check the code.

MR. TORLEY: He's got to have the side yard anyway, if it's only that, maybe we can avoid your process here, save you some money.

MR. MC DONALD: Shed is not over any easements or anything?

MR. CORBETT: No.

MR. MC DONALD: Sewage lines or anything?

MR. CORBETT: No.

MR. MC DONALD: Any complaints?

MR. CORBETT: No.

MR. KANE: Either formal or informal?

MR. CORBETT: No.

MR. MC DONALD: Other sheds in the neighborhood look similar, not the same but similar?

MR. CORBETT: Here's some pictures.

MR. KANE: In all the years the shed's been there, did you create any water hazards or runoffs whatsoever in the building of it?

MR. CORBETT: No.

MR. TORLEY: These are the kinds of question we're going to be asking you for the public hearing so you don't get surprised.

MR. CORBETT: Okay.

MR. TORLEY: Again, our variances are based on the numbers that you give us, say you need a 9 foot side yard variance, if you actually need 9 foot 6 inches, you may have to start all over again so make sure of

your distances.

MR. CORBETT: Okay.

MS. CORSETTI: Are we changing any of the numbers?

MR. BABCOCK: It's a typo, it should be 8 instead of 18, the shed is 8 x 16 instead of 16 x 8.

MS. CORSETTI: Thank you.

MR. TORLEY: One of the things you're going to be asked if an area variance is sort of financial difficulties or practicality on your part, so tell us what kind of, be prepared to tell us what kind of foundation, whether or not you can move it, that sort of thing.

MR. CORBETT: Okay.

MR. REIS: I make a motion that we set up Mr. Kevin Corbett for the requested variance at 51 Harth Drive.

MR. KANE: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

**PUBLIC NOTICE OF HEARING**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 46

Request of Kevin Corbett

for a VARIANCE of the Zoning Local Law to Permit:

existing shed w/ less than the allowable side &  
rear yards;

being a VARIANCE of Section 48-12 Table of Use/Bulk Regs. - Cols. F, G.

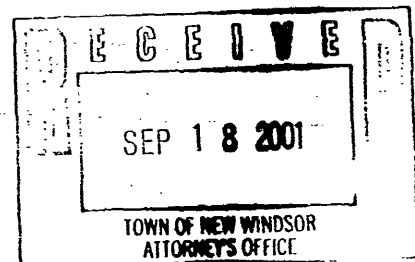
for property situated as follows:

51 Harth Drive, New Windsor, N.Y. 12553

known and designated as tax map Section 39, Blk. 1 Lot 4

PUBLIC HEARING will take place on the 24th day of Sept., 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley  
Chairman



ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR  
COUNTY OF ORANGE:STATE OF NEW YORK

**In the Matter of the Application for Variance of**

Kevin Corbett

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

#01-46.

STATE OF NEW YORK) )  
COUNTY OF ORANGE ) SS.:

**PATRICIA A. CORSETTI, being duly sworn, deposes and says:**

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 13<sup>th</sup> day of Sept., 2001., I compared the \_\_\_\_\_ addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia L. Corsett

**Notary Public**

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Notary Public**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4631  
Fax: (914) 563-4693

## Assessors Office

July 27, 2001

82

Dale & Kevin Corbett  
51 Harth Drive  
New Windsor, NY 12553

Re: 39-1-4

Dear Mr. & Mrs. Corbett,

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$105.00, minus your deposit of \$25.00.

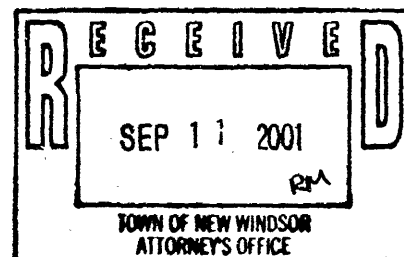
Please remit the balance of \$80.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook  
Sole Assessor

LC/bw  
Attachments

CC: Pat Corsetti, ZBA



①

24-5-37  
Diane & Joseph Gross  
249 Garden Street  
New Windsor, NY 12553 X

24-9-13  
Phyllis & Timothy Sean L'Estrange  
221 Leslie Ave  
New Windsor, NY 12553 X

35-3-7  
Patricia & Neil Clarino  
274 Garden Street  
New Windsor, NY 12553 X

24-5-38  
Helen & John Pollock  
251 Garden Street  
New Windsor, NY 12553 X

35-2-9  
Linda & Eddie Morales  
16 Windsor Square Drive  
New Windsor, NY 12553 X

35-3-8  
Milene & Luis Castillo  
280 Garden Street  
New Windsor, NY 12553 X

24-5-39  
Madelene Guariglia &  
Michael Knaggs  
253 Garden Street  
New Windsor, NY 12553 X

35-2-10  
Michele Hicks & Craig Vinc  
10 Windsor Square Drive  
New Windsor, NY 12553 X

35-4-5  
Thomas Fox  
287 Garden Street  
New Windsor, NY 12553 X

24-5-40  
Joyce & John Gibbons  
255 Garden Street  
New Windsor, NY 12553 X

35-2-11  
Joan O'Donoghue & Andrew Ryan  
6 Windsor Square Drive  
New Windsor, NY 12553 X

35-4-6  
Patricia & Michael Colucci  
283 Garden Street  
New Windsor, NY 12553 X

24-5-41  
~~Patricia & Charles Favoino~~  
257 Garden Street  
New Windsor, NY 12553 X

35-2-12  
Linda Chevier & William Furchak  
2 Windsor Square Drive  
New Windsor, NY 12553 X

35-4-7  
Stephanie & Bruce Bogerd  
281 Garden Street  
New Windsor, NY 12553 X

24-8-11  
Jeanne & Ettore Giammarco  
222 Leslie Ave  
New Windsor, NY 12553 X

35-3-2  
Gloria & Joseph Olgin  
15 Windsor Square Drive  
New Windsor, NY 12553 X

35-4-8  
Ana & Ramon Santos  
277 Garden Street  
New Windsor, NY 12553 X

24-8-12  
Angelina & Leonard Feroli  
224 Leslie Ave  
New Windsor, NY 12553 X

35-3-3  
Shamsuddin Shamin  
13 Windsor Square Drive  
New Windsor, NY 12553 X

35-4-9  
Theresa & Lee Gloffke  
273 Garden Street  
New Windsor, NY 12553 X

24-9-10  
Barbara & Joseph Leo Corber  
227 Leslie Ave  
New Windsor, NY 12553 X

35-3-4  
Jenny & Oscar Tamayo  
1 Windsor Square Drive  
New Windsor, NY 12553 X

35-4-10  
Jeanine Hicks &  
Michael Lennon  
269 Garden Street  
New Windsor, NY 12553 X

24-9-11  
Mary & Michael Levy  
225 Leslie Ave  
New Windsor, NY 12553 X

35-3-5  
Marilynne & Ronald Trioano  
266 Garden Street  
New Windsor, NY 12553 X

35-4-11  
Town of New Windsor  
555 Union Ave  
New Windsor, NY 12553 X

24-9-12  
Georgia & Robert Deftereos  
223 Leslie Ave  
New Windsor, NY 12553 X

35-3-6  
Monica & Miguel Placencia  
270 Garden Street  
New Windsor, NY 12553 X

38-3-9  
Consolidated Rail Corp.  
6 Penn Center Plaza  
Philadelphia, PA 19103 X

38-3-10  
Central Hudson Gas & Electric Corp.  
284 South Street  
Poughkeepsie, NY 12602 X

38-3-52  
Kathleen & Richard Hovey  
32 Willow Parkway  
New Windsor, NY 12553 X

39-2-1  
Laurie & Dennis Hanrahan  
42 Harth Drive  
New Windsor, NY 12553 X

38-3-11  
Marlene & Michael Kane  
43 Harth Drive  
New Windsor, NY 12553 X

39-1-1  
Fabian & Glen Messenger  
45 Harth Drive  
New Windsor, NY 12553 X

39-2-2  
Lucy & Louis Damone  
44 Harth Drive  
New Windsor, NY 12553 X

38-3-12  
Elizabeth & Jon Huxel  
41 Harth Drive  
New Windsor, NY 12553 X

39-1-2  
Maripat & Earl Barnes  
47 Harth Drive  
New Windsor, NY 12553 X

39-2-3  
Anna & Joseph Lucera  
46 Harth Drive  
New Windsor, NY 12553 X

38-3-13  
Mary Jane Miller  
39 Harth Drive  
New Windsor, NY 12553 X

39-1-3  
Doris & James Greenwood  
49 Harth Drive  
New Windsor, NY 12553 X

39-2-4  
Barbara Ann & David Evans  
48 Harth Drive  
New Windsor, NY 12553 X

38-3-14  
Helen & Max Skyer  
37 Harth Drive  
New Windsor, NY 12553 X

39-1-5  
Karen & Gregory VanDenBerg  
53 Harth Drive  
New Windsor, NY 12553 X

39-2-5  
Lorraine & Leroy Langer  
50 Harth Drive  
New Windsor, NY 12553 X

38-3-15  
Mary & Clarence Johnson  
35 Harth Drive  
New Windsor, NY 12553 X

39-1-6  
Karen Tobin &  
Carmine Arrucci  
55 Harth Drive  
New Windsor, NY 12553 X

39-2-6  
Kathleen Marie &  
Christopher Kelly  
52 Harth Drive  
New Windsor, NY 12553 X

38-3-16  
Marion & Kenneth Palmer  
33 Harth Drive  
New Windsor, NY 12553 X

39-1-7  
Margo & Francis Bedetti  
57 Harth Drive  
New Windsor, NY 12553 X

39-2-7  
Bethann & Edward Yano  
54 Harth Drive  
New Windsor, NY 12553 X

38-3-49  
Cheryl & Salvadore Aulogia  
26 Willow Parkway  
New Windsor, NY 12553 X

39-1-8  
Nancy Lopez  
59 Harth Drive  
New Windsor, NY 12553 X

39-2-8  
Linda & Phillip Schulman  
56 Harth Drive  
New Windsor, NY 12553 X

38-3-50  
Carmela & David Rupp  
28 Willow Parkway  
New Windsor, NY 12553 X

39-1-9  
Vicky & James Despain  
61 Harth Drive  
New Windsor, NY 12553 X

39-2-9  
Mary & Lawrence McGuire  
58 Harth Drive  
New Windsor, NY 12553 X

38-3-51  
Rebecca Kanan  
30 Willow Parkway  
New Windsor, NY 12553 X

39-1-10  
Francine & Samuel Leghorn  
63 Harth Drive  
New Windsor, NY 12553 X

39-2-18  
Eileen & John Sweeney  
15 Cresthaven Drive  
New Windsor, NY 12553 X

39-2-19  
Eileen & Brian Doyle  
13 Cresthaven Road  
New Windsor, NY 12553

X

39-3-2  
Kom-Kuy & Kasem Chalermvong  
2 Cresthaven Drive  
New Windsor, NY 12553

X

39-3-30  
William Post  
1 Valewood Drive  
New Windsor, NY 12553

X

39-2-20  
James Mc Mongile  
C/o Anita Jean Mc Monigle  
12 Camelot Drive  
Marlboro, NY 12542

X

39-3-3  
Cele & Anthony Cimorelli  
276 Temple Hill Road Unit 902  
New Windsor, NY 12553

X

39-3-31  
Dennis Crawshaw  
34 Harth Drive  
New Windsor, NY 12553

X

39-2-21  
Maureen & Kenneth Smith  
9 Cresthaven Drive  
New Windsor, NY 12553

X

39-3-4  
Joseph Gatt  
6 Cresthaven Drive  
New Windsor, NY 12553

X

39-2-22  
Lois & Paul Gagliardi  
7 Cresthaven Drive  
New Windsor, NY 12553

X

39-3-5  
Virgenmina & Carlos Gomez  
8 Cresthaven Drive  
New Windsor, NY 12553

X

39-2-23  
Stephanie & Joseph Leechow  
5 Cresthaven Drive  
New Windsor, NY 12553

X

39-3-6  
Lynne & Joseph Palermo  
10 Cresthaven Drive  
New Windsor, NY 12553

X

39-2-24  
Thomas Gayton  
3 Cresthaven Drive  
New Windsor, NY 12553

X

39-3-7  
Janet & Robert Mascitelli  
12 Cresthaven Drive  
New Windsor, NY 12553

X

39-2-25  
Carolyn & Michael Stechishin  
1 Cresthaven Drive  
New Windsor, NY 12553

X

39-3-26  
Dawn Olszewski  
9 Valewood Drive  
New Windsor, NY 12553

X

39-2-26  
Evelyn & Kevin Woods  
38 Harth Drive  
New Windsor, NY 12553

X

39-3-27  
Donna & James Pullar  
7 Valewood Drive  
New Windsor, NY 12553

X

39-2-27  
Dorothy & Paul Suto  
40 Harth Drive  
New Windsor, NY 12553

X

39-3-28  
Therese & Robert Zupitza  
5 Valewood Drive  
New Windsor, NY 12553

X

39-3-1  
Roger, Elida & Wilbert Gutierrez  
36 Harth Drive  
New Windsor, NY 12553

X

39-3-29  
Elena & Thomas Sears  
3 Valewood Drive  
New Windsor, NY 12553

X



RD-33-3687

# This Indenture,

Made the 30 day of December  
Nineteen Hundred and Eighty

Between

MARY S. ROE, 108 South Shore Drive, Wolf Lake,  
Sullivan County, New York,

State of New York  
County of

Recorded on the day  
of A. D., 19 at  
o'clock M. in liber  
of DEEDS at page  
and examined.

Clerk

part y of the first part, and

KEVIN A. CORBETT AND DALE SUSAN CORBETT, husband and wife,  
25 Fowler Avenue, Newburgh, New York,

Witnesseth that the part y of the first part, in consideration of parties of the second part,

-----TEN----- Dollar (\$ 10.00 )  
lawful money of the United States, and other good and valuable consideration  
paid by the parties of the second part, do hereby grant and release unto the  
parties of the second part, their distributees and assigns forever, all  
that certain lot, piece or parcel of land, together with the improve-  
ments thereon, known as No. 51 Harth Drive, situate, lying and being  
in the Town of New Windsor, Orange County, State of New York, and more  
particularly bounded and described as follows:

BEGINNING at a point on the northerly bounds of Harth Drive at  
the southwest corner of Lot No. 53 Harth Drive conveyed by Schoonmaker  
Bros., Inc. to Frank P. Kennedy and Louise V. Kennedy, husband and wife  
by deed dated April 12, 1962, recorded April 18, 1962 in Liber 1614 of  
Deeds at Page 492, Orange County Clerk's Office, and runs thence South  
77° 30' West along the northerly bounds of Harth Drive 90 feet to a  
point; thence North 12° 30' West 115 feet to a point on the southerly  
bounds of lands of Erie Railroad; thence easterly along the said  
southerly bounds of the Erie Railroad 90 feet more or less to the north-  
west corner of Lot No. 53 Harth Drive; thence South 12° 30' East along  
the westerly bounds of said Lot No. 53 Harth Drive 110 feet to the  
place of beginning. Containing more or less land, as surveyed by  
Alger O. Royce, L.S., Liberty, New York.

TOGETHER with a right in common with all others heretofore given  
or who hereafter may be given by the grantors or their assigns a right  
of ingress and egress over and upon the hereinabove mentioned proposed  
street lying in front of the southerly side of the premises herein con-  
veyed, as well as a similar right of way over and upon any continuation  
of said street or any connecting street or streets to afford and enable  
passage and re-passage from the conveyed premises to and from Willow  
Lane and/or Route 94.

SUBJECT to all grants of record heretofore given to Central Hudson  
Gas and Electric Corporation and New York Melanther Corporation

The instant conveyance is subject to the following covenants and restrictions in respect to lots at Schoonmaker Bros., Inc., Willow Acres.

1. That only one one-family residence dwelling may be erected on said premises together with garage for not more than two automobiles, and said premises occupied for residence purposes only, excepting that this shall not exclude usage by Doctors, Dentists, Lawyers and Real Estate Brokers, and similar professions for home and office, provided that exterior architecture of building is kept residential in appearance.

2. That no shack, shanty or trailer be erected or permitted on said premises.

3. That no unsightly, offensive or objectionable materials shall be stored or kept on said premises.

4. That no animals, livestock, fowl or chickens may be kept or maintained on said premises, but a reasonable number of household pets may be so maintained.

BEING the same premises contained in a deed by Schoonmaker Bros., Inc. to Mary S. Roe dated August 14, 1962 and recorded in the Orange County Clerk's Office on August 21, 1962 in Liber 1623 of Deeds at Page 304.

Which said lands are further bounded and described as follows:

All that tract or parcel of land situate in the Town of New Windsor, County of Orange, and State of New York bounded and described as follows:

Beginning at a point, said point being the intersection of the Westerly line of lands now or formerly Kennedy (Liber 1614, cp-492) (Lot #53, Plot H, Filed Map Willow Acres Development, Map Filed October 24, 1962 as Map No. 1969) with the Northerly line of Harth Drive and running thence along said Northerly line of Harth Drive South 77-47-00 West 90.00 feet; thence along lands now or formerly Greenwood (Liber 1618, cp-1002) (Lot #49, Plot H, Filed Map No. 1969) North 12-30-00 West 114.21 feet; thence along the Southerly line of lands now or formerly Erie Railroad (Map V-6-N.Y.) along a curve to the left having a radius of 2864.79 feet and being distant Easterly 90.07 feet; thence along lands now or formerly Kennedy (Liber 1614, cp-492) (Lot #53, Plot H, Filed Map No. 1969) South 12-30-00 East 111.20 feet to the point of beginning. Containing 0.23 of an acre of land more or less.

**Together** with the appurtenances and all the estate and rights of the party  
of the first part in and to said premises,

**To have and to hold** the premises herein granted unto the parties of the  
second part, their distributees and assigns forever.

**And** the party of the first part covenant that she has not done  
or suffered anything whereby the said premises have been incumbered in any way  
whatever.

**And** That, in Compliance with Sec. 13 of the Lien Law, the grantor will  
receive the consideration for this conveyance and will hold the right to receive such  
consideration as a trust fund to be applied first for the purpose of paying the cost of  
the improvement and will apply the same first to the payment of the cost of the  
improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the party of the first part has hereunto set her  
hand and seal the day and year first above written.

In Presence of

Mary S. Roe.  
MARY S. ROE



State of New York }  
County of ORANGE } ss. On this 30 day of December  
before me, the subscriber, personally appeared Nineteen Hundred and Eighty

MARY S. ROE

to me personally known and known to me to be the same person described in and  
who executed the within Instrument, and she acknowledged  
to me that she executed the same.

Eugene J. Sullivan  
Notary Public

State of New York, Residing in Orange County  
Commission Expires 3/30/81

**Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611**

**RECEIPT  
#803-2001**

**08/22/2001**

*#01-46*

**Corbett, Kevin  
51 Harth Drive  
New Windsor, NY 12553**

**Received \$ 50.00 for Zoning Board Fees on 08/22/2001. Thank you for stopping by  
the Town Clerk's office.**

**As always, it is our pleasure to serve you.**

**Deborah Green  
Town Clerk**

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 01-46.

Date: 8/21/06

I. ✓ Applicant Information:

- (a) Kevin A Corbett (845) 562 9004 X  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) R-4 51 Hawth Drive 39-1-4 90x114 +  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 1980
- (e) Has property been subdivided previously? no
- (f) Has property been subject of variance previously? no  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? no
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A

IV. Use Variance N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow: \_\_\_\_\_  
(Describe proposal) \_\_\_\_\_

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes\_\_\_\_ No\_\_\_\_.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. F, G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10 ft.</u>	<u>1 ft.</u>	<u>9 ft.</u>
Reqd. Rear Yd. <u>10 ft.</u>	<u>1 ft.</u>	<u>9 ft.</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____%	_____%	_____%
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

The existing shed will have no adverse effect or impact on the physical or environmental conditions in the neighborhood

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, \_\_\_\_\_ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
 \_\_\_\_\_

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

*There will be no changes in the residential parcel. Shed has been existing since*

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ *N/A* Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: Aug. 21, 2001.

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X  
(Applicant)

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_.